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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND CALIFORNIA

UNITED STATES OF AMERICA,)	No. CR-07-0409 SBA
)	
Plaintiff,)	
)	STIPULATION AND
v.)	ORDER TO CONTINUE
)	<u>MOTION HEARING</u>
HECTOR REYNOSO,)	
)	
Defendant.)	

It is hereby stipulated, by and between the parties that the status hearing currently set for Tuesday, December 16, 2008 at 11:00 a.m., be continued to Tuesday, February 10, 2009 at 11:00 a.m.

It is also stipulated that the period from January 22, 2009 to February 10, 2009, shall be excluded from the calculation of time in which the trial of the above captioned matter must commence pursuant to the Speedy Trial Act, Title 18 U.S.C. Section 3161(c). Section 3161(h)(8)(B)(iv) allows for the exclusion of time for continuity of government or defense counsel. The continuation is requested because the Interpreter failed to appear at the December 16th, 2009 hearing and because Defense counsel is new to the case and is unavailable until February 10, 2009.

1 It also allows for the exclusion of time to allow the parties reasonable time for effective preparation
2 of the case, taking into account the exercise of due diligence. Moreover, the parties stipulate that
3 the time is excludable from the time limitations of the Speedy Trial Act because the interests of
4 justice served by granting a continuance.

5 As such, the parties respectfully request that the status hearing be scheduled for February 10,
6 2009 at 11:00 a.m..

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8 DATED: February 3, 2009

Respectfully submitted,

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10 /s/
11 KIMBERLY M. BRIGGS
Assistant United States Attorney

12 DATED: January 29, 2009

13 /s/
PRECILIANO MARTINEZ
Attorney for Hector Reynoso

ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby FINDS that the request for a continuance is reasonable, and will allow the continuance. Further, the Court concurs that the time period between January 22, 2009 and February 10, 2009, be excluded under the Speedy Trial Act.

The Court further FINDS that the time is excludable on the basis of the failed appearance of the Interpreter on December 16, 2008, and continuity of defense counsel who is unavailable until February 10, 2009, and to allow for reasonable time for effective preparation of the case, taking into account the exercise of due diligence, and is in the interests of justice pursuant to 18 U.S.C. Sections 3161(h)(8)(A) and (B)(iv). Moreover, the government has no objection to the continuance.

Based on these findings, IT IS HEREBY ORDERED THAT the motion hearing in this matter shall be continued from Tuesday, December 16, 2008 at 11:00 a.m. to Tuesday, February 10, 2009 at 11:00 a.m..

IT IS SO ORDERED.

DATED:2/2/09


THE HONORABLE SAUNDRA BROWN ARMSTRONG
United States District Judge